

App. Serial No. 10/510,590
Docket No.: NL 021099US

Remarks

Claims 1-11 are currently pending in the patent application. For the reasons and arguments set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated February 21, 2006, indicated one informality objection to claim 2; and the following rejections: claim 1 and its dependents stand rejected under 35 U.S.C. § 112(2); claims 1-11 stand rejected under 35 U.S.C. § 102(b) over Mahulikar *et al.* (U.S. Patent No. 5,155,299); and claims 1 and 8 stand also under an obviousness-type double patenting rejection over claims 1 and 7 of U.S. Patent No. 6,621,163 (Weekamp).

With respect to the objection to claim 2, Applicant has made a minor textual amendment to address the cited informality, in replacing the language "thanks to which carrier" with "whereby." This amendment is for purposes of clarity and is not made for reasons of patentability, in view of any prior art or otherwise. Applicant respectfully requests that the objection be removed.

With respect to the Section 112(2) rejection, Applicant respectfully traverses because the noted claim terms do not render the scope of the claims indefinite. As discussed in MPEP § 2173.05(e) ("Lack of Antecedent Basis"): "the failure to provide explicit antecedent basis for terms does not always render a claim indefinite." If the scope of a claim would be reasonably ascertainable by those skilled in the art, then the claim is not indefinite. In this instance, the noted claim terms are inherent components of elements recited and have antecedent basis in the recitation of the components themselves. Accordingly, Applicant submits that the rejection should be removed.

For clarity purposes, Applicant has made minor amendments to claims 1 and 2 in a manner consistent with the Examiner's suggestion (these amendments, changing "the" to "a", are not made for reasons of patentability).

In addition to the above amendments, claim 11 has been amended to remove dual dependency.

The Section 102(b) rejections of claims 1-11 are improper because the cited portions of the '299 reference fail to correspond to all of the claimed limitations.

Regarding (method) claims 1-7 of the instant application, the cited portions of the '299

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reference are limited to an electronic package and do not describe any approach to manufacturing such a package, in accordance with the claimed method or otherwise. It is unclear as to how the cited device is manufactured, and is particularly unclear as to how the specific claimed steps are disclosed as suggested in the Office Action. In this regard, the recitation of a device of the '299 reference fails to provide correspondence to the method-based limitations in claims 1-7.

In addition to the above, the content of the subject matter cited in the Office Action fails to correspond to the claimed limitations. For example, with respect to claims 1-7, the Office Action fails to cite any portion of the '299 reference that corresponds to the following claimed limitations: a foil having a patterned layer on a first side and a sacrifice layer on a second side, and the step of filling an interstice around the substrate with isolating material. It is unclear as to how the portions of the '299 reference cited in the Office Action have any relation to these limitations. For example, the Office Action discusses "the step of covering (16)" and later refers to "the covering layer" (presumably referring to item 16), but does not mention an isolating material as claimed (e.g., in claim 1). Similarly, the Office Action does not mention any patterned layer or any sacrifice layer, or any foil as relevant to any of these layers. Further regarding claim 2, the Office Action has failed to cite any portion of the '299 reference that discloses a patterned substrate in a carrier between the patterned layer and the sacrifice layer. The '299 reference further fails to teach the step of removing the sacrifice layer as recited in claim 3.

With respect to the rejection of claims 8-11, the Office Action has failed to cite a portion of the '299 reference that corresponds to limitations directed to a cover stuck to the substrate by isolating material. For example, referring to FIG. 1, the alleged covering (16) is coupled to a leadframe (24).

In view of the above, the Section 102(b) rejections in the Office Action fail to cite portions of the '299 reference that correspond to the claimed limitations. In this regard, the Section 102(b) rejections of claims 1-11 are improper and should be removed.

Applicant respectfully traverses the obvious-type double patenting rejections of claims 1 and 8. To maintain an obviousness-type double patenting rejection, the Office Action must largely comply with the same standards as those applicable to a §103 rejection. In this instance, the rejection is based upon the Examiner's conclusion that the

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claimed inventions are not distinct from one another, and there is no supporting discussion or rationale provided. Moreover, there is no prior art that has been combined with Applicant's underlying patent to satisfy either a §103 rejection or an obviousness-type double patenting rejection. Notwithstanding the above, with a proper showing Applicant would be willing to reconsider this traversal.

New claims 12-21 have been added. Support for the limitations in these new claims can be found in FIG. 1 and in the discussion made in the Specification in connection with FIG. 1. These claims are also allowable over the cited reference for the reasons discussed above. Specifically regarding new claims 12-19, these claims are also allowable because the cited '299 reference fails to disclose limitations directed to, for example, the formation and patterning of a conductive cover layer on a sacrificial layer, suspending the cover layer over a substrate and filling a gap between the cover layer and substrate to seal a cavity. Referring specifically to claims 20-21, the cited '299 reference fails to disclose limitations directed to a patterned cover layer, and in particular, a patterned cover layer with separated portions respectively arranged over a cavity and electrically coupled to an electronic circuit in the substrate.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of Philips Corporation at (408) 474-9063.

Please direct all correspondence to:

Corporate Patent Counsel
Philips Intellectual Property & Standards
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131

CUSTOMER NO. 24738

By: 
Robert J. Crawford
Reg. No.: 32,122
Eric J. Curtin
Reg. No. 47,511
(VLSI.472PA)